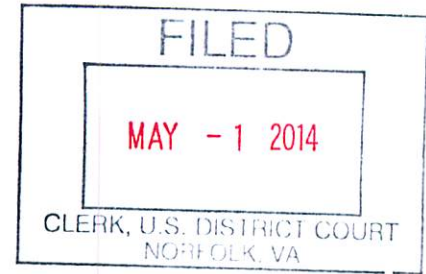


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ANTHONY C. LEWIS,

Petitioner,

v.

ACTION NO. 2:13-cv-25

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, the pro se Petitioner challenges the constitutionality of his 2009 conviction in the Circuit Court for the City of Portsmouth for possession with intent to distribute a controlled substance, third offense, which resulted in a fifteen year sentence of incarceration in the Virginia state penitentiary.

The Petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B)-(C), and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation entered on March 6, 2014 recommends granting the Respondent's motion to dismiss and dismissal of the Petition

with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. The Court received the Petitioner's objections on April 7, 2014. ECF No. 16. The Respondent did not file a response to the Petitioner's objections, and the time to do so has expired.

The Court, having reviewed the record de novo and examined all of the objections filed by the Petitioner to the Report and Recommendation, ECF No. 16, and having made de novo findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed March 6, 2014 in its entirety as the Court's own opinion, ECF No. 13. It is, therefore, **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 8, be **GRANTED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.


The Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore,

the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to the Petitioner and to counsel of record for the Respondent.

It is so ORDERED.



REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Date: *April 30, 2014*